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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,613	04/07/2005	Klaus Lietzau	13809/13	6750
26646 7590 05/29/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
NORTON, JENNIFER L				
ART UNIT		PAPER NUMBER		
2121				
MAIL DATE		DELIVERY MODE		
05/20/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/530,613

**Applicant(s)**

LIETZAU, KLAUS

**Examiner**

JENNIFER L. NORTON

**Art Unit**

2121

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 12 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Albert DeCady/  
Supervisory Patent Examiner, Art Unit 2121

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments, see Remarks pgs. 6-10, filed 12 May 2010 with respect to claims 21-36 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to teach, "a conversion device configured to superimpose, on the output variables of the controllers, an input control component that is a function of an actual value to calculate the correcting variables." The Examiner respectfully disagrees.

Applicant's Specification (U.S. Patent Publication No. 2006/0004470) refers to U.S. Patent No. 5,403,074 (hereinafter Van Zanten) on pg. 1, paragraph [0009] to teaching a conversion device, recited below for convenience.

"In the article by Harold L. Wade, entitled "Inverted Decoupling: A Neglected Technique," Advances in Instrumentation and Control, Instrument Society of America, Vol. 51, pp. 357 to 369 (1996), and in U.S. Pat. No. 5,403,074, a controlled multivalued system having a controlled multivalued system is described, the controlled multivalued system having several correcting variables as input variables and several controlled variables as output variables, having several comparators for ascertaining control deviations, having several controllers, to each controller one control deviation being able to be supplied as input variable, and having a conversion device whose input variables are the output variables made available by the controllers, the conversion device calculating the correcting variables for the controlled multivalued system at least from the output variables of the controllers. In the article by Axel Graeser, entitled "Cross-Profile Control in the Paper Industry—Sensors and Actuators as Determining Elements of the Control Quality," Automatisierungstechnik (Automation Technology), Oldenbourg Verlag, Vol. 45, pp. 271 to 281 (1997), a control method is described that has decoupling of the individual loops and a compensation of the system or path coupling."

Furthermore, Van Zanten teaches "If both wheels are controlled about working points having the same gradient of the  $\mu$ -slip curve (FIG. 5), the transformed controlled variables are decoupled. The sum  $(\omega_{sub.1} + \omega_{sub.2})$  of the rotational speeds is formed in an adder 14 ( $\approx 2 \times$  rotational speed of the cardan shaft). From this sum, the divider 15 forms the rotational speed of the cardan shaft, so that  $(\omega_{sub.1} + \omega_{sub.2})/2$  can also be measured directly at the cardan shaft. Next in sequence is an individual wheel controller 16 (comparable to a select-low controller in a 3-channel ABS), which preferably, as an output variable 1, transmits signals corresponding to braking torques.

A subtractor 17 generates the difference  $(\omega_{sub.1} - \omega_{sub.2})$ , which is likewise halved in the divider block 18 and fed to a controller 19, which can be a PI controller, but can also further take account of dead times and the like. The outputs of the controllers 16 and 19 are fed to an adder 20 and to a subtractor 21. The output signals from the units 21 and 22 are fed to an amplifier 22 with the gain  $C_{sub.n}$  which effects a limitation of the manipulated variable (see above for mode of operation). The output signals of the amplifier 22 are once again valve opening times  $u_{sub.1}$  and  $u_{sub.2}$ . The latter act on respective actuators 23 and 24 (valves for the two wheel brakes), and vary the brake pressures and thus the braking torques  $M_{sub.B1}$  or  $M_{sub.B2}$ . As a result, the rotational wheel speeds  $\omega_{sub.1}$  and  $\omega_{sub.2}$  are changed via the controlled system (block 25); the sensors contained in block 25 measure the new rotational speeds" (col. 4, lines 61-68 - col. 5, lines 1-21).

In summary, Van Zanten teaches to Applicant's claimed limitation of, "a conversion device (Fig. 7, element 20 and 21) configured to superimpose, on the output variables of the controllers (Fig. 7, element 16 and 19), an input control component (i.e. output variable of Fig. 7, element 16 is used as an input control component for Fig. 7, element 21, and output variable of Fig. 7, element 19 is used as an input control component for Fig. 7, element 20) that is a function of an actual value (i.e. output variables of the controllers (Fig. 7, element 16 and 19)) to calculate the correcting variables (the outputs of signals from Fig. 7, element 20 and 21 are fed into Fig. 7, element 22)."

Hence, claims 21-36 stand rejected under 35 U.S.C 103(a) as set forth in the Final Office Action mailed on 12 March 2010.